

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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 In re WESTERN STATES WHOLESALE  
 NATURAL GAS ANTITRUST  
 LITIGATION  
 \_\_\_\_\_

2:03-cv-01431-RCJ-PAL  
 MDL No. 1566

**ORDER**

REORGANIZED FLI, INC.,

Plaintiff,

vs.

WILLIAMS COMPANIES, INC. et al.,

Defendants.

2:05-cv-01331-RCJ-PAL

These consolidated cases arise out of the energy crisis of 2000–2002. Plaintiffs (retail buyers of natural gas) allege that Defendants (natural gas traders) manipulated the price of natural gas by reporting false information to price indices published by trade publications and engaging in wash sales. In 2003, the Judicial Panel on Multidistrict Litigation (“JPML”) transferred seven class action cases from various districts in California to this District under 28 U.S.C. § 1407 as Multidistrict Litigation (“MDL”) Case No. 1566, assigning Judge Pro to preside. Since then, the JPML has transferred in several more actions from various districts throughout the United States. Between 2003 and 2015, Judge Pro ruled on many motions to

1 remand, to dismiss, and for summary judgment. He also approved several class settlements.  
2 Several parties settled on their own. One or more of the cases have been to the Court of Appeals  
3 twice and to the Supreme Court once. In 2007, the Court of Appeals reversed several dismissals  
4 under the filed rate doctrine and remanded for further proceedings. In 2013, the Court of  
5 Appeals reversed several summary judgment orders, ruling that the Natural Gas Act did not  
6 preempt state law anti-trust claims and that certain Wisconsin- and Missouri-based Defendants  
7 should not have been dismissed for lack of personal jurisdiction. The Supreme Court granted  
8 certiorari as to preemption under the Natural Gas Act and affirmed. The case was soon  
9 thereafter reassigned to this Court when Judge Pro retired. The Court granted three motions to  
10 dismiss for lack of personal jurisdiction, but the Court later reconsidered.

11 Defendants in two of the actions separately moved for summary judgment. One of those  
12 summary judgment motions was filed by OneOK, Inc. and OneOK Energy Services Co., LP,  
13 formerly known as OneOK Energy Marketing & Trading Co. (collectively, "OneOK") in Case  
14 No. 2:05-cv-1331, which is District of Kansas Case No. 2:05-cv-2389. (*See* Am. Compl., ECF  
15 No. 11 in Case No. 2:05-cv-1331). OneOK argued that the claims against it were precluded  
16 and/or released under a settlement agreement reached in a consolidated class action brought in  
17 the Southern District of New York. The Court ruled the claims had been released, and OneOK  
18 has now moved for final judgment to be entered. Plaintiffs agree that final judgment should be  
19 entered but disagree as to the proposed form of judgment, which includes additional Defendants.  
20 Defendants correctly note that the summary judgment motion was filed on behalf of those  
21 Defendants, as well. The Court has examined the summary judgment motion and the settlement  
22 agreements on which the Court's ruling on the issue of release was based, (*see* Summ. J. Mot. 2  
23 & n.1, ECF No. 2299; First Settlement Agreement 1, ECF No. 2300-5; Second Settlement  
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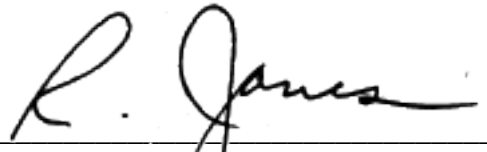
1 Agreement 1, ECF No. 2300-7), and finds that all moving Defendants are entitled to entry of  
2 judgment except Williams Merchant Services, Company, Inc.; El Paso Corporation; and Xcel  
3 Energy Inc. The Court cannot find those three Defendants listed (at least not by those names) in  
4 the First or Second Settlement Agreements. The Court's intent was to grant the motion as to any  
5 and all moving Defendants whom the evidence showed had been released via the First or Second  
6 Settlement Agreements.

7 **CONCLUSION**

8 IT IS HEREBY ORDERED that the Motion for Entry of Judgment (ECF No. 2445) is  
9 DENIED without prejudice. Defendants may submit a new motion and proposed judgment  
10 consistent with this Order or may ask the Court to reconsider if it can show that the three  
11 Defendants named above in fact settled with Plaintiffs or are listed in the First or Second  
12 Settlement Agreements by different names.

13 IT IS SO ORDERED.

14 Dated this 24th day of August, 2016.

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18 ROBERT C. JONES  
19 United States District Judge  
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